

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Richard P., by and for **R.P.**, and Denise L., by  
and for **K.L.**,

Plaintiffs

v.

**SCHOOL DISTRICT OF THE CITY OF  
ERIE, PENNSYLVANIA; JANET WOODS,**  
Individually and in her Capacity as Principal of  
Strong Vincent High School; and **LINDA L.  
CAPPABIANCA**, Individually and in her  
Capacity as Assistant Principal of Strong  
Vincent High School,

Defendants

Civil Action No. 03-390 Erie

**JURY TRIAL DEMANDED**

**DEFENDANTS' MOTION TO SEAL DEFENDANTS' MOTION FOR PARTIAL  
SUMMARY JUDGMENT, APPENDIX AND BRIEF AND TO FILE AMENDED  
MOTION, APPENDIX AND BRIEF**

Defendants The School District of the City of Erie, Pennsylvania, Janet M. Woods, and  
Linda L. Cappabianca, respectfully submit the following Defendants' Motion to Seal Defendants'  
Motion for Partial Summary Judgment, Appendix and Brief and to File Amended Motion,  
Appendix and Brief.

1. On August 1, 2005 defendants electronically filed (a) Defendants' Motion for  
Partial Summary Judgment ("Motion"), (b) an attached proposed Order ("Order"), (c) an attached  
Appendix to Defendants' Motion for Partial Summary Judgment ("Appendix") and (d) a Brief in  
Support of Defendants' Motion for Partial Summary Judgment ("Brief") (collectively, "Summary  
Judgment Documents").

2. The Summary Judgment Documents contained personal data identifiers in  
violation of W.D.PA.LR 5.1.1 as defendants' counsel should have been but was not aware at the

time of filing that the Local Rules of the United States District Court for the Western District of Pennsylvania had been promulgated on April 1, 2005 as revised and re-enacted, effective July 1, 2005, and that LR 5.1.1 had been revised to prohibit the inclusion of certain personal data identifiers unless permitted by Court order or redacted in conformity with the rule.

3. Defendants' counsel presently is in the process of revising and redacting the Summary Judgment Documents to conform with LR 5.1.1. While the Motion, Order and Brief can be quickly revised, the Appendix contains 850 pages of documents, preventing the immediate completion of the redaction process, which process can be completed on or before August 19, 2005.

4. Defendants respectfully submit that the permanent sealing of the Summary Judgment Documents in the absence of filing revised and redacted versions of those documents is not permissible under the case law of the Third Circuit. **United States v. Crider**, 675 F.2d 550, 559 (3d Cir. 1982); **Doe v. Methacton School District**, 878 F.Supp. 40, 41-2 (E.D.Pa. 1995). However, sealing should be appropriate pending the filing of amended and redacted Summary Judgment Documents that conform with LR 5.1.1.

5. Counsel for plaintiffs has been contacted with respect to this Motion and states that he has no objection to the relief requested.

WHEREFORE, defendants The School District of the City of Erie, Pennsylvania, Janet M. Woods, and Linda L. Cappabianca respectfully request that the Court enter an order sealing the Summary Judgment Documents filed on August 1, 2005 and requiring that defendants file amended and redacted Summary Judgment Documents that comply with LR 5.1.1 on or before August 19, 2005.

Respectfully submitted,

/s/ James T. Marnen

James T. Marnen

PA I.D. No. 15858

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Pennsylvania, Janet M. Woods and Linda L.  
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## Defendants

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# CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 13th day of August, 2005, a copy of the within document was served on all counsel of record and unrepresented parties in accordance with the applicable rules of court.

/s/ James T. Marnen  
James T. Marnen